

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Frank E. Cain, Jr., individually,)	
and John Doe, representative of)	
a class of persons unknown having)	
a common interest in said matter,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No.: 4:09-cv-2952-TLW-TER
)	
Office Depot, Inc., Brother)	
Industries, Ltd., and Citicorp Credit)	
Services, Inc.,)	
)	
Defendants.)	
)	

ORDER

On September 28, 2009, the plaintiffs filed this civil action in the Court of Common Pleas, Marlboro County, South Carolina. (Doc. # 1). On November 12, 2009, the case was removed to this Court based on diversity jurisdiction under 28 U.S.C. § 1332. (Doc. # 1). The case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 36). On January 19, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that defendant Brother Industries, Ltd.’s motion to dismiss (Doc. # 31) be granted and that this case be dismissed without prejudice. (Doc. # 36). After the motion to dismiss (Doc. # 31) was filed, this Court issued an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975),

giving the plaintiffs until July 22, 2010, to file a response to the motion. (Doc. # 32). The plaintiffs did not file a response to the motion to dismiss. The plaintiffs also filed no objections to the Report. Objections were due on February 7, 2011.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 36). For the reasons articulated by the Magistrate Judge, defendant Brother Industries, Ltd.'s motion to dismiss (Doc. # 31) is **GRANTED**, and this case is **DISMISSED** without prejudice.¹

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 2, 2011
Florence, South Carolina

¹ On February 22, 2010, the plaintiffs dismissed with prejudice their claims against the other two defendants, Office Depot, Inc. and Citicorp Credit Services, Inc. (Docs. 12, 13).